



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

15/61

May 16, 1995

Eldred M. Garrick, Consultant  
Western Clay Company  
5465 Fair Oaks Drive  
Salt Lake City, Utah 84117

Re: Tentative Approval of Notice of Intention to Commence Large Mining Operations (NOI-LMO), Western Clay Company (Western), Last Chance Bentonite Mine M/015/061, [BLM UTU-69862], Emery County, Utah

Dear Mr. Garrick:

The Division has completed a review of your latest response letter and enclosures addressed to the BLM Moab District received March 22, 1995. We have also reviewed a copy of the BLM's Finding Of No Significant Impact received by the Division April 7, 1995.

The information contained in this latest response has satisfied the Division's concerns listed in our February 9, 1995 letter. The Division hereby issues tentative approval of the Last Chance Bentonite Mine. The next step is to publish a public notice to begin the 30-day public comment period. We will prepare the notice and provide you with a draft copy before publishing in the newspapers. At the end of the public comment period we will present the amount and form of reclamation surety to our Board for approval. After the surety is approved by the Board, the Division will issue its final approval, provided the BLM has no outstanding concerns and there were no substantive public comments received.

We have generated several clarification type comments regarding the mining and reclamation plan listed below. Please advise us if these comments are incorrect or inaccurate.

R647-4-110.2 Roads, highwalls, slopes, drainages, pits, etc., reclaimed

Western's letter contained no response to the Division's February 9, 1995, comment regarding highwalls which would remain after final reclamation. We assume there will be no highwalls remaining which are steeper than 45°.



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M/015/061  
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R647-4-112 - Variance

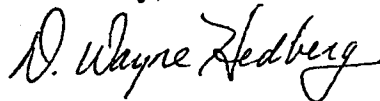
Western does not want to be responsible for attempting to revegetate the bentonite area which is devoid of vegetation or topsoil. Division staff have visited the site and agree that a variance is warranted. The Division will grant variances from R647-4-111.12 Topsoil Distribution and R647-4-111.13 Revegetation, for the 1.9 acre bentonite area. The first variance will not require salvage or redistribution of topsoil in the bentonite area. The second variance will allow the bentonite area to be omitted from any revegetation treatments and from meeting the 70% revegetation standard. These variances do not necessarily relieve Western from meeting any specific BLM requirements for the bentonite area.

R647-4-113 - Surety

Western has revised the Division's draft reclamation surety estimate of 12/31/94. This revised estimate now totals \$40,800 and Western has already provided a surety in the form of Letter of Credit (LOC) No. 25069659 with Utah Independent Bank for this amount. The Division also revised the draft estimate using the information provided in the latest response letter. The Division's estimate totals \$41,000 in the year 2000 dollars (see attachment). The difference of \$200 may be due to rounding differences and is not significant enough to warrant modification of the LOC at this time. The Division may require a modification to the surety amount in five years when the surety estimate will be re-evaluated.

Thank you for your cooperation and patience in completing this permitting matter. If you have any questions in this regard, please contact me, Tony Gallegos, or Lynn Kunzler of the Minerals Staff.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb  
Attachment: DOGM reclamation estimate  
cc: Neil Simmons, BLM San Rafael RA w/attachment  
Lowell Braxton, DOGM  
M15-61TA.LET

**RECLAMATION ESTIMATE**

Western Clay Company

Last Chance Bentonite Mine

M/015/061

Emery County

Prepared by Utah State Division of Oil, Gas &amp; Mining

last revision

05/10/95

filename M15-61.WQ2

BLM UTU-69862

*Details of Final Reclamation**-Reclamation consists of earthwork and revegetation; no structures are present**-Trash & debris to be removed to an authorized land fill or disposal area**-Pit backfilled with overburden & waste clay to be nonimpounding**-Topsoil replaced at approximately 1 ft depth on 8.3 acres* 13,391 CY est*-Amount of material needed for pit backfill (operators estimate)* 114,000 CY*-Borrow area for soil and backfill may be used**-Disturbed areas to be disced, mulched, fertilized, & seeded as requested by the BLM**-Disturbed acreage is 8.6 acres + 1.9 acres of nonvegetated area**-Permit boundary includes 20.2 acres; disturbed area estimated as 10.2 acres by operator**-Estimated total disturbed acreage =* 10.2

Activity	Amount	\$/unit	\$
Regrade no vegetation area	1.9 acre	365	694
Backfill pit to be nonimpounding	114,000 CY	0.23	26,220
Place topsoil material(8.3 acres)	13,391 CY	0.23	3,080
Regrade road & remove culvert	0.4 acre	365	146
Remove trash & debris	10.2 acre	100	1,020
Mobilization	1 equip	1,000	1,000
	Subtotal		32,159
	Add 5% supervision		1,608
	Subtotal		33,767
	Add 10% contingency		3,377
	Subtotal in 1995 -\$		37,144
	Add 5 yr escalation at 2.01%		3,886
	Total 2000-\$		41,030

**Rounded Total in 2000-\$****\$41,000**

Average cost per acre =

\$4,020

Operator already posted bond for

\$40,800